

Notice of Allowability

Application No.

10/606,608

Examiner

Kagnew H. Gebreyesus

Applicant(s)

HAYES ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/06.
2. ☒ The allowed claim(s) is/are 1, 2, 5-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/26/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/23/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barry Swanson on January 30, 2006 and further on February 6th, 2006.

The application has been amended as follows:

Specification:

The first line of the specification regarding the "Cross Reference to Related Applications" must be updated and corrected as follows:

"This Application is a Divisional of Application Serial No. 10/324,981, filed 20, December 2002, currently abandoned, which is a Continuation of Application Serial No. 10/117,166, filed 05 April 2002, now abandoned, which is a Continuation of Application Serial No. 09/963,266, filed 26 September 2001, now abandoned which is a continuation of Application Serial No. 09/489,650, filed 24 January 2000, now abandoned."

Claim 2(i) on line 3 delete: -- or a fragment thereof having at least 15 nucleotides --

Claim 2((k) replace: -- "polynucleotides of (a) – (k)" – with – **"polynucleotides of (a) – (j)"**--.

Claim 6 on line 3 replace: -- "a cell" – with -- **an isolated host cell** --

Claim 7 replace: "A recombinant" – with—**"The recombinant"**.

Claim 9 on line 1 replace: "a host cell" – with – **"the host cell"**.

Cancel claims 3 and 4.

2. The following is an examiner's statement of reasons for allowance: The isolated polynucleotide sequence of SEQ ID NO: 1 encoding the specific polypeptide of SEQ ID NO: 2 and polynucleotide and polypeptide sequences having at least 95% identity to SEQ ID NO: 1 and 2 respectively and having methionyl tRNA synthetase activity have not been described in the prior art. The closest prior art disclosure is by Ruben et al who disclose a sequence having 95.4% sequence identity to a portion of SEQ ID NO: 1 encompassing nucleotide 695 to 1061. However the full-length sequence disclosed by Ruben et al does not show a significant similarity to the sequence disclosed by applicants.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kagne H. Gebreyesus whose telephone number is 571-272-2937. The examiner can normally be reached on 8:30am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Achutamurthy Ponnathapura can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kagnew Gebreyesus PhD:


REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP ~~1800~~
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